

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF NEW YORK

WELLS FARGO BANK, N.A.

VERSUS

**STARX MOTORS, LLC, JEAN S. SMITH,
BENJAMI SCHRAGE, JACQUES A.
HORN, GENE T. OLIVER, MICHAEL A.
CHAVEZ AND JACQUELINE CHAVEZ**

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CIVIL ACTION NO. 1:20-cv-5455

FILED: _____

DEPUTY CLERK

ANSWER TO COMPLAINT FOR INTERPLEADER

NOW INTO COURT, in proper person, comes Defendant in Interpleader, Jean S. Smith,
who in answer to Plaintiff's Complaint for Interpleader, respectfully avers as follows:

NATURE OF ACTION

1. The allegations contained in Paragraph are admitted.
2. The allegations contained in Paragraph are admitted.
3. Defendant herein is claiming the sum of \$6,500 being held and restrained in Starx Motors account at Wells Fargo and subsequently deposited into the Court's Registry.

FIRST AFFIRMATIVE DEFENSE

4. Defendant admits the allegations contained in said complaint insofar as they pertain to Defendant Smith during the wire transfer made on February 26, 2020.
5. Defendant denies the remaining allegations insofar as they do not pertain to said

Defendant.

FACTUAL BACKGROUND

6. On February 26, 2020, Defendant, Jean S. Smith, wired to Starx Motors, LLC/ Janis Auto Market, LLC, the sum of \$6,500 for the purchase of a 1934 Ford coupe. Said vehicle was to be delivered within seven (7) days of the wire transfer. On February 27, 2020, Defendant contacted Janis Auto Market through email and found that all accounts were shut down.

Defendant then contacted Wells Fargo bank and requested that they become involved in an attempt to have the \$6,500 returned.

As Defendant did not receive the vehicle that the wire transfer was intended to represent the purchase price for, she requests a full refund of the \$6,500 paid and now held in the Registry of this Court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jean S. Smith", is written over a horizontal line.

JEAN S. SMITH, IN PROPER PERSON

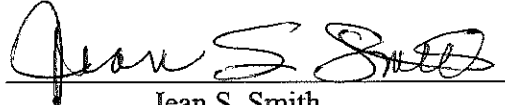
77239 Highway 21

Covington, LA 70435-4013

985-960-3891 Telephone

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of September, 2020, a copy of the foregoing Answer was filed electronically with the Clerk of Court using the CM/ECF System. Notice of this filing will be sent to counsel for Plaintiff, Wells Fargo Bank, N.A., through Alexandra L. Sobol, Esq., Fox Rothschild, LLP, 101 Park Avenue, Suite 1700, New York, New York 10178.



Jean S. Smith